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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,978	06/13/2000	Manu Kumar	M-11291 US	6887

23639 7590 08/26/2003

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/26/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/593,978	KUMAR, MANU	
	Examiner	Art Unit	
	Michael S. A. Delgado	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,256,043 by Aho et al.

In claim 1, Aho teaches about an Apparatus for monitoring website activity comprising (Fig 4-6):

means for tracking a visit to a website by a visitor (Col 2, lines 40-55);

means for identifying the visitor (Col 2, lines 40-55);

means for monitoring progress of the visitor to additional pages within the website (Col 1, line 65-Col 2, line 20); and

means for initiating direct communication with the visitor according to the progress of the visitor within the website (Col 2, lines 40-55).

In claim 2, Aho teaches about an apparatus as recited in claim 1 further including means for indicating the number of visitors accessing each of said additional page within the website (Col 2, lines 40-55).

In claim 3, Aho teaches about an apparatus as recited in claim 2, wherein said means for indicating the number of visitors comprises a radar screen (Col 2, lines 40-55).

Art Unit: 2143

In claim 5, Aho teaches about an apparatus as recited in claim 1, wherein said means for initiating direct communication with the visitor comprises a text box which is presented to the visitor by a customer service representative (Col 2, lines 40-55), the text box further including means for identifying the customer service representative to the visitor and an interactive dialog box for the exchange of information between the customer service representative and the visitor (Col 2, lines 40-55).

In claim 6, Aho teaches about a method of providing customer service to a website visitor, the method comprising the steps of (Fig 4-6):

identifying to a website customer service representative that a visitor has accessed the website (Col 2, lines 40-55);

identifying the visitor to the customer service representative (Col 2, lines 40-55);

monitoring progress of the visitor to additional pages in the website (Col 1, line 65-Col 2, line 20);

operably connecting the customer service representative with the visitor (Col 2, lines 40-55); and

providing a dialog box from the customer service representative to the visitor such that instantaneous real-time communication is initiated between the customer service representative and the visitor (Col 2, lines 40-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2143

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,256,043 by Aho et al in view of US Patent No. 6,272,531 by Shrader.

In claim 4, Aho teaches all the limitation but does not explicitly teach about an apparatus as recited in claim 2, wherein said means for indicating the number of visitors comprises a bar graph. Shrader teaches about a method and system for recognizing and acting upon dynamic data on the internet. Shrader disclosed a simple way to disclosed dynamic data by using a bar graph (Col 13, lines 10-25). It would have been obvious to some one of ordinary skill at the time of the invention to use a bar graph to indicate that a certain threshold has been met and requires the operator's attention.

The technology for bar graph is well known in the art, which makes it easily implement able in any software operation. Bar graph is used in scenario, which requires a quick summary of a dynamic or complex operation. By a visual inspection, an operator is better able to determine if a threshold was met and take the required action.

Conclusion

Art Unit: 2143

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,091,417 by Lefkowitz, teaches about a graphical user interface.

US Patent No. 6,032,129 by Greef et al, teaches about a customer centric virtual shopping experience with actors agents and persona.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


MD


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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